

CITY OF SOUTH JORDAN
PLANNING COMMISSION MEETING
COUNCIL CHAMBERS

March 14, 2017

Present: Commissioner Mark Woolley, Commissioner T. Earl Jolley, Commissioner Sean D. Morrissey, Commissioner Julie Holbrook, Commissioner Brady Quinn, Commissioner John Ellis, City Planner Greg Schindler, Planner Brad Sanderson, City Engineer Brad Klavano, Staff Attorney Steven Schaefermeyer, City Recorder Anna West

Others: See Attachment A

6:30 P.M.

REGULAR MEETING

I. GENERAL BUSINESS

A. Welcome and Roll Call

Chairman Mark Woolley welcomed everyone and noted that all Commissioners are present except Commissioner Morrissey. He must be running late.

Chairman Woolley welcomed some Scouts in the audience.

Commissioner Morrissey arrived at this time.

B. Motion to Approve Agenda

City Planner Greg Schindler noted a typo on Item C. It should read the 5th amendment, not 6th.

Commissioner Holbrook made a motion to approve the March 14, 2017 Planning Commission Agenda with correction Item C. Commissioner Jolley seconded the motion. Vote was unanimous in favor.

C. Approval of the Minutes from the Meeting held on January 24, 2017

Commissioner Holbrook motioned to approve the February 28, 2017 Planning Commission Meeting Minutes. Commissioner Ellis seconded the motion. Vote was unanimous in favor.

II. INFORMATIONAL ITEMS AND OTHER BUSINESS

A. Staff Business

None

B. Comments from Planning Commission Members

None

III. CITIZEN COMMENT

Chairman Woolley opened for Citizen Comment. No speakers. He closed the Citizen Comment.

IV. SUMMARY ACTION

None

V. ACTION

- A.1 Issue: ORDINANCE NO. 2017-11 OF THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, AMENDING SUBSECTION 16.04.230 (DESIGN STANDARDS) OF THE SOUTH JORDAN CITY MUNICIPAL CODE AND ORDINANCE NO. 2017-12 OF THE CITY COUNCIL OF SOUTH JORDAN, UTAH, ADOPTING THE CITY'S CONSTRUCTION STANDARDS AND SPECIFICATIONS**
- Applicant: CITY OF SOUTH JORDAN**

Chairman Woolley said we held the Public Hearing for this item two weeks ago. We have our City Engineer, Brad Klavano that can answer questions for us tonight.

Chairman Woolley said we had a few issues with some of the language and some verbiage and it was such a large document that none of us was able to go through it in the time frame we were given. We had noticed the Public Hearing two weeks ago so we went ahead and held the Public Hearing for this even though we tabled it. We talked about there being some changes that have transpired over the last 2-3 months that we wanted to be able to look at and I learned today that there really weren't changes so there were no redlines to review. I would like Mr. Klavano to respond to your questions, and I would like to go back to the language that I spoke to our legal team about and then I would like them to get into the dialog as to what we can and cannot do to address those concerns.

City Engineer, Brad Klavano, said with regards to the redlines, the way that current code is until these ordinances change it, is that by the code they gave me the authority to update and do the City Standards Plans and Specifications. We have a committee that is made up of Public Works and Fire and a number of staff members and we meet monthly. Once a quarter we were updating the specifications as needed. Most of the time, very little changes were needed. I have the last changes we made a few months ago that I can hand out to you; they are very minor. We were using the APWA version from 2007 and we really were using 2012 so we quickly changed that. All that did was change section numbers in the APWA and no language. Our Storm Drain folks wanted to make sure that our inspections were the same for RCP Pipe as they were for HDPE Pipe and we added that language under the RCP Pipe for Storm Drainage. In chapter 7 in streets, we added some additional language for cold weather paving applications because we have had some issues with that over the last couple of years. Basically, it is just some additional requirements if they want to pave after October 15th and before March 15th. There are some changes in lights with regard to stopping stolen wires from the streetlights. The changes are minor changes. There really are no redlines to view as you would normally think of redlined material.

Mr. Klavano said I know Commissioner Woolley was concerned about some language in the general notes in item two. We should understand that these notes are not only used by the developer's engineers, but they are also used by us. When we put projects out to bid, we use these same notes. I like having the notes, especially because we are not actually going out and potholing or uncovering utilities, so we do not

actually know where they are absolutely, so if you want to make recommendation to strike that out we can discuss it with them there. I have had discussions with our City Attorney's office and my feeling is that it is fine and should stay there.

Chairman Woolley said I have those two points. The first one was regarding the language there. The issue I have with the language is what the City is doing is releasing a third party engineer from any liability. The City should not be doing that as a matter of practice. I would personally like to see that language struck from that. The second one is Item number 11, the language said, "the inspection request was 48 hours prior to inspection with no exceptions." I realize that is a good general rule but there are situations where there are emergencies. How will the city handle that if we adopt this as our code and we take away the right of the engineer to modify that where there is a legitimate emergency? The last issue I had was, I like the concept that we talked about two weeks ago where we take the broad language that we already have with regard to streets where there is some wiggle room, would be not for the city to change a standard in mid-stream and that is what the legislation that was recently passed was all about, but to provide our senior staff in the city, particularly our City Engineer, the opportunity where a new practice or new material or certain circumstance, allows for something better to be considered. Our City has a record of doing that very well. I would like to include these recommendations that the language be changed and be made a part of what we are adopting.

Commissioner Holbrook said you have answered my question. Every City needs to put these in there.

Chairman Woolley said if the city has not adopted their Construction Standards and Specifications, any project that is currently in process, essentially has no standards. I think it is important for us as a city to preempt that kind of bad behavior by saying we are going to adopt formally our Construction Standards to make sure that what we do have is complied to appropriately.

Mr. Klavano said the way I read the bill that went through was there could be slight changes to the Standards Plans and Specifications as long as it does not affect the developers timing and significant costs. My plan with this is every year I would come back with an ordinance to adopt new changes in the City Code, unless we have significant ones. Then we would bring them back every six months. I would really like that you recommend approval to the City Council tonight. If there are a couple of changes you want to make to the notes as Chairman Woolley stated, that is fine and recommend to staff to come back with an ordinance to add some flexibility to the Storm Drain and some other things. I do not want to delay this.

Staff Attorney, Steven Schaefermeyer, said as far as adding flexibility now to Title 16, something that we did not talk about is the notice for what is before you did not include any of those sections for other standards such as Storm Water or whatever other standards we want to add flexibility to. We would have to re-notice and go back through the Planning Commission to add that flexibility in Title 16. I know we had discussed adding that flexibility into the Standards and Specifications, I think it is more appropriate to put that in Title 16 rather than in the Standards and Specifications because those are more readily available as part of our code.

Chairman Woolley asked why did we make the change then just for the roads. Staff Attorney Schaefermeyer said that was part of other changes that was coming before you that were part of the miscellaneous changes that Jake brought late last year; that is something that has been flagged for us as something to address; it was already there, we just tightened the language. If there are other instances in the code where some of that flexibility now exists for the City Engineer, we would do the very same thing so there were some standards that the City Engineer would follow. The other thing to keep in mind is streets is more specific as to what the standards are. For storm drains and other things there is already

language there. I am just explaining the situation that we would have to re-notice if you wanted to make changes to other sections of the code that would match what we did to the streets section.

Chairman Woolley said it probably does make more sense to put it there. I am also hesitant to adopt a code formally that doesn't already allow that because now we turn right around and have to go through that lengthy process of the Public Hearings with both the Planning Commission and the City Council to readopt that language.

Staff Attorney Schaefermeyer said it just changes how we change the Standards and Specifications. It does not change how much flexibility is already built into our code. Whatever is in Title 16 remains in Title 16. This just formalizes that we have Standards and Specifications for Construction that are now adopted by ordinance. It changes how we make changes to the Standards and Specifications only, not how we make changes to the rest of the code. The flexibility is in Title 16.

Commissioner Jolley said what if Brad wanted to adopt the 2017 APWA Standards and incorporate those, what flexibility do you have to get that accomplished.

City Planner Klavano said we would have to bring it back by ordinance. As I read the law, if that change is minor enough that it doesn't cause the developer significant money or time delay.

City Planner Klavano said in the one paragraph that we are changing, the City Council by Resolution, adopted the APWA standards, which may be amended from time to time. The current Code gives us some flexibility to move up as the APWA Code changes. We just were not reflecting that in our Standards and matching the sections correctly. I don't think it's too big of a deal when the 2017 comes out here shortly.

Commissioner Ellis said I just want to be respectful of the time and investment of the property owners and those who are developing. I don't want to build in delay just for the sake of bureaucracy to the process of development.

City Planner Klavano said if you talk to most of the developers that work here, they are very happy that we make decisions in meetings and we try to get their projects moved ahead.

Chairman Woolley said I have two final clarifying questions. Given what we have before us, if we recommend approval to the City Council, and given the new legislation that is going to be approved in May, would that still give you the same latitude that you considered or would that have changed the Storm Water Standards.

City Planner Klavano said it still gives me some latitude and I have the flexibility to work on that. I am not opposed to, if some major change comes, we will just take an ordinance through to get it adopted.

Chairman Woolley said the last question is to Mr. Schaefermeyer; with regard to Section 16, should we recommend approval tonight, are you in agreement that we would be best then to re-look at the language that's there now and then bring that back through and address that?

Staff Attorney Schaefermeyer said the streets is not the only example that has come up. It has been a concern of ours all along. If we are going to have flexibility in our code, let's identify where that flexibility is and clearly state what the parameters are for allowing flexibility. When we bring those types of changes forward, we will need to talk about what is appropriate for a variance and what is appropriate to give the City Engineer flexibility with Construction Standards.

City Engineer Klavano said I will take a hard look at that over the next few weeks and try to get something back to you if we need to.

Chairman Woolley asked if there is language that you would recommend on number eleven regarding general notes where the inspection request is 48 hours prior to; is there any language that could be changed there? City Attorney Klavano said in our code there is ability under emergency work to just do it. If you wanted to add a sentence, in there that says something to the effect “if this is an emergency, then those hours are waived,” or something like that. Chairman Woolley said I will have our Legal Staff come up with something very simple that would give us the opportunity when it is emergent.

Chairman Woolley said with the language we received tonight from Mr. Klavano and going forward recommending that staff address Section 16 and try to dial that in. With that and Item #2 on Notes, I would be very comfortable approving this tonight.

Staff Attorney Schaefermeyer asked for clarification on the changes being requested on #2 Notes? Chairman Woolley said on Item #2 we would strike out the language that “the engineer bares no responsibility for utilities.”

Staff Attorney read aloud the sentence – “the contractor shall bare full responsibility for the protection of utilities and the Engineer bares no responsibilities for utilities not shown on the plans or not in the location shown on the plans.”

Chairman Woolley said to strike the words starting with and; put a period after utilities, and delete the remaining words in the sentence. Final form: “the contractor shall bare full responsibility for the protection of utilities.”

Commissioner Morrissey asked why do you want that changed; I never heard a reason why.

Chairman Woolley said technically it indemnifies a third-party engineer, that they have no liability.

Staff Attorney Schaefermeyer said we talked about this and if the engineer wants to add a note like that and the contractor is fine with it, which is their business. I think the City’s interest is making sure there are no service interruptions.

Chairman Woolley said regarding Item 11, we need to add a sentence that states “except for emergencies.”

A.2 Potential Action Item – (See V.C.1)

Commissioner Jolley made a motion to recommend approval to the City Council that they approve Ordinance 2017-11 and Ordinance 2017-12 along with the following two additions:

- 1. Item Number 2 under general notes that the following words be removed “the engineer has no responsibilities.”**
- 2. Item Number 11, that we add the words “except for emergencies”**

Commissioner Holbrook seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

VI. PUBLIC HEARINGS AND POTENTIAL **ADMINISTRATIVE ACTION ITEMS

****Administrative Action = Less Discretion, Substantial Evidence (Objective Standard)**

B.1 Issue: ACCESSORY LIVING UNIT - GUESTHOUSE
Address: 2221 West Rustic Roads Drive
File No: PLALU201700145
Applicant: Christy Clark

City Planner Greg Schindler reviewed the background information on this item from the packet staff report. The applicant has proposed to construct a 2-story accessory garage and the 2nd story would be a guest house at 2221 West Rustic Roads Drive. It is in the R-1.8 Zone and will be located at the south-west corner of the property. There is plenty of room for parking to accommodate the additional one space required. The footprint of the building is 1,800 sq. ft. and our code does not allow the footprint to exceed the footprint of the main structure, which in this cast is 1,996 sq. ft.; the living area for the guesthouse cannot exceed 35% of the living area of the main dwelling – in this case it is 33%. The main dwelling has 2,728 sq. ft. and the guesthouse will be 912 sq. ft. The owner of the guesthouse would have to live on the property and they will be living in the main dwelling. This meets all of our code requirements so we are recommending approval.

It was noted that the applicant is present but has nothing to add at this time.

Chairman Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

B.2 Potential Action Item – (See VI.B.1)

Commissioner Morrissey made a motion to approve file no. PLALU201700145, for a guesthouse located at 2221 W. Rustic Roads Drive provided that, all applicable City Department Requirements, as stated in the Municipal Code are met. Commissioner Holbrook seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

C.1 Issue: CHATTEL ESTATES 5TH AMENDED
Address: 3286 West 10000 South
File No: PLPLA201600831
Applicant: Lindsey & Skyler Bailey

Planner Brad Sanderson reviewed the background information on this item from the packet staff report. He said we have done this a few times in this subdivision. This is the 7th time. They are proposing to take a one-acre lot and divide it into two ½-acre lots. It is known as Lot 17 in the Chattel Estates subdivision. You can see on the improvement plan there is an existing home that faces south and the new lot would face east. The Chattel Subdivision is approximately 40 acres in size and by the R-1.8 standards you can actually get a density of 73 total lots. On Lot 41, there was a detached structure in the upper right-hand corner that has been removed. That was a requirement, and now is no longer needed, because it is just slightly less than ½-acre in size, there is a requirement to have a masonry fence on the north and west property line unless they want to move the property line between the two lots, south about 8 feet, then it would bring that lot 41 up to the ½-acre minimum lot size where they would not have to have the masonry fence for large animals. It doesn't affect the setbacks in either case for the rear of Lot 42. Being on a corner lot, you only need a 10-ft rear side yard from the home and it is currently 40 feet so there is 8-feet to spare. They would have the choice to do what the code requires based on what is proposed as far as a masonry fence, or they can adjust the lot line by 8-feet to get it up to the ½-acre minimum lot size. Our recommendation is approval of this application.

Commissioner Quinn said you mentioned that one of the structures is no longer there; I see two structures.

Planner Sanderson said there would have been a concrete pad and detached shed so we initially put a requirement there based on this plan to either have that removed because the Planning Commission could not approve a non-conforming use so we put the requirement to have that either removed or bond to have it removed. They have since knocked that structure down. The only structure on the property now is on Lot 42; that is the existing house.

Commissioner Morrissey asked if there have been any discussion regarding moving the lot lines. Planner Sanderson said I am just realizing that right now and I apologize to the applicants. We should have caught this when it was submitted. They could adjust it without having to put in the cost for the fence but there is an irrigation ditch on the west side of the property line. I think there is 8 feet to the property line without having to affect that weir or inlet. We would have to take a closer look at it.

Applicant is present but has nothing to add at this time.

Chairman Woolley opened the Public Hearing.

Cole Gibbons, South Jordan, Utah. I am from Troop 0054 and I think this is a splendid idea.

Austin and I am from the same neighborhood and I think this is a good idea.

Chairman Woolley closed the Public Hearing.

Chairman Woolley asked the applicant to work with staff to determine what you will do there because the ordinance will allow you to do it one way or the other. That decision does not have to be made tonight.

C.2 Potential Action Item – (See VI.C.1)

Commissioner Ellis motioned to approve the Chattel Estates 5th Amendment, amending Lot 17, subject to the following: Prior to recording the plat, the Applicants shall remove the existing accessory structure, located near the northeast corner of the property, or otherwise provide the City with a bond equal to the cost for its removal. Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

D.1	Issue:	VILLAGE AT HIGHRIDGE PHASE II PRELIMINARY SUBDIVISION
	Address:	11523 South 3600 West
	File No:	PLPP201700004
	Applicant:	David Freiss

Planner Brad Sanderson reviewed the background information from the packet staff report on this item. He said this has been a piece of property that has been a discussion in and amongst the City many times. This was recently rezoned from a residential zone to an office zone and then rezoned back to a residential zone; the RM Zone. This house seems so out of place because of all of the construction work that is going on around it. This proposal before you is to match what has been done in surrounding areas north and west of the property. They propose to subdivide this lot into a five lot single family subdivision. The zoning would allow up to 6 units per acre, however they are only proposing five to meet minimum lot sizes. This RM Zone is slightly different than the VMU Zone that was approved to the north and to the

east so it has slightly different standards. The proposal is to remove the home that is existing on the property currently and make way for these proposed five lots that would front north on Alta Loma Lane. Because of the RM Zone I have listed the setbacks in your report and they would be measured from the right-of-way and the property lines. Our recommendation on this property is to have you approve the proposal.

Commissioner Morrissey asked Planner Sanderson to remind us of how this is different from the neighborhood that we approved previously.

Planner Sanderson said the VMU zone doesn't have a minimum lot size and the RM Zone does. I believe it is 5,000 sq. feet. The other lots have a minimum of 52 feet wide and these lots, because of the zone, would be required to have a minimum of 60 ft. width. These lots are coincidentally deeper than the other lots. The VMU Zone is very subjective and we would normally bring requirements to you for a front porch, or specify a roof pitch or specify brick and stone requirement. In this case, the RM Zone already dictates what those requirements are.

Chairman Woolley noted the applicants are present but they have nothing to add at this time.

Chairman Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

D.2 Potential Action Item – (See VI.D.1)

Commissioner Ellis motioned to approve the Village at Highridge Phase II Preliminary Subdivision, subject to the following requirement(s):

1. Per the approved plans, Applicant shall dedicate and improve property along 3600 West, completing the remaining curb, gutter, sidewalk, and park strip along the east side of 3600 West; and
2. Applicant shall install a six-foot-tall decorative masonry fence along the east side of 3600 West parallel to the collector street; and
3. Applicant shall dedicate the full width of Alta Loma Lane; and
4. Applicant shall remove the existing house on the proposed lots 201 and 202 prior to recording the plat.

Commissioner Morrissey seconded the motion. Roll Call Vote was unanimous 5-0 in favor.

E.1 Issue: JORDAN RIDGE ELEMENTARY CELLULAR COMMUNICATION MONOPOLE AND RELATED EQUIPMENT SITE PLAN/CONDITIONAL USE
Address: 2636 West 9800 South
File No: PLSPR201700158
Applicant: Troy Benson

Planner Bran Sanderson reviewed the background information on this item from the packet staff report. He said specifically on that property is the northeast corner of the school. There is an existing building there now that houses some mechanical equipment. They are proposing to add an additional 12 X 12 foot building to the south of that existing building to house the additional equipment that would be associated with this proposed 70-foot tall monopole. There is an existing stealth flagpole that has been on this site since 2007. There is a distinct definition in our code that defines what a free standing structure versus the monopole. The definition of a freestanding pole is 45-feet or less. A monopole is defined as being taller than 45 feet. There is a separation requirement between monopoles and that is a one-mile distance, whereas these two poles would be only a few hundred yards apart from each other. I just need to clarify the our code describes these two as a free standing structure and a monopole. All of the code requirements are being met and our recommendation is in favor for approval.

Commissioner Jolley asked what the height is of the existing flagpole. Planner Sanderson said it is 49 feet. It was approved prior to our code specification of 45 or less.

Commissioner Jolley asked what the distance is between the two poles. Planner Sanderson said I don't know the exact distance. There is no separation distance required so I did not check.

Chairman Woolley noted the applicant is present but has nothing to add at this time.

Chairman Woolley opened the Public Hearing. No speakers. He closed the Public Hearing.

Troy Benson, Murray, UT – he said I don't think there is a distance separation required.

Pete Simmons, representing the applicant. Looking at the drawings, it is less than 50 feet between the flagpole to the monopole.

E.2 Potential Action Item – (See VI.E.1)

Commissioner Holbrook motioned that the Planning Commission approve the Site Plan and Conditional Use Permit File Number PLSPR201700158, to allow a 70 foot tall cellular communication monopole and related equipment at the Jordan Ridge Elementary School, as proposed. Commissioner Jolley seconded the motion. Roll Call Vote was 5-0 in favor.

VII. PUBLIC HEARINGS AND POTENTIAL **LEGISLATIVE ACTION ITEMS ****Legislative Action = More Discretion, Reasonably Debatable (Subjective Standard)**

None

VIII. OTHER BUSINESS

None

ADJOURNMENT

Commissioner Morrissey motioned to adjourn. Commissioner Ellis seconded the motion. Motion was unanimous.

The March 14, 2017 Planning Commission meeting adjourned at 7:30 p.m.

Meeting minutes prepared by City Recorder Anna West.

This is a true and correct copy of the March 14, 2017 Planning Commission minutes, which were approved on March 28, 2017.

Anna M. West
South Jordan City Recorder